

Oregon Ocean Policy Advisory Council

DRAFT Meeting Summary

Meeting of August 25, 2006

Best Western Beachfront Inn, Brookings, Oregon

Executive Summary

Issues Decided/Positions Taken:

A consensus decision was made to delay the public workshops on the National Marine Sanctuary issue until after the October 9-10 OPAC meeting, in order to revamp the process in light of council discussion.

Action Items:

Executive Committee:

Consider request of council to provide considerable time for discussion of the National Marine Sanctuary issue and outreach process at the October 9-10 meeting.

Working Groups and Chairs:

Send emails for general circulation to Greg McMurray.

Submit working group membership and contact information to Greg, so that he can keep and distribute up-to-date mailing lists.

Provide meeting schedules, and any meeting summaries, to Greg for posting on the OPAC web site.

Develop preliminary work plans, with time lines and estimated budgets, for the October OPAC meeting.

National Marine Sanctuary Working Group:

Use existing materials (like Steve Shipsey's NMS management analysis and Greg McMurray's NMS issues summary) to support the NMS public process as appropriate and relevant.

Attempt to acquire existing information and analysis on previously designated National Marine Sanctuaries (e.g., economic impacts of sanctuary designations).

Consider reducing number of public meetings.

OPAC Staff:

Amend meeting summaries, and OPAC roster on web site to show a vacancy in the South Coast County Commissioner seat.

Post all subgroup meeting notices on the web site and circulate to the council.

Circulate email on behalf of OPAC members and working group chairs; maintain up-to-date mailings lists for this purpose.

Attempt to acquire information and analysis on existing National Marine Sanctuaries (e.g., economic impacts of sanctuary designations).

Next Meeting:

October 9-10, in Newport (in conjunction with the Marine Protected Areas Federal Advisory Committee meeting).

Meeting Detail

Attendance:

Members Present (voting): **David Allen** (Public at Large); **Jack Brown** (Coastal City Elected Official); **Paul Engelmeyer** (Statewide Conservation or Environmental Organization); **Jim Good** (Public at Large); **Robin Hartmann** (Coastal Conservation or Environmental Organization); **Scott McMullen** (North Coast Commercial Fisheries); **Brad Pettinger** (South Coast Commercial Fisheries); **Jim Pex** (South Coast Charter, Sport or Recreational Fisheries); **Fred Sickler** (Coastal Non-Fishing Recreation); **Terry Thompson** (North Coastal County Commissioner); **Frank Warrens** (North Coast Charter, Sport or Recreational Fisheries).

Members Present (ex officio): **Jonathan Allan** (Department of Geology and Mineral Industries); **Patty Burke** (Department of Fish & Wildlife); **Jessica Hamilton** (Governor's Office); **Onno Husing** (Oregon Coastal Zone Management Association); **Jim Myron** (Parks & Recreation Department); **Jay Rasmussen** (Oregon Sea Grant College); **Lane Shetterley** (Department of Land Conservation & Development); **Louise Solliday** (Department of State Lands); **Paul Slyman** (Department of Environmental Quality).

Members Absent: **Jim Bergeron** (Ports, Marine Transportation, Navigation); **Dalton Hobbs** (Department of Agriculture); **Robert Kentta** (Oregon Coastal Indian Tribes); South Coastal County Commissioner (**seat vacant**).

Committee/Working Group Members: **Ralph Brown** (Curry County Commissioner); **Steve Capps** (NOAA Fisheries); **Laurel Hillmann** (Oregon Parks & Recreation Department); **Hal Weeks** (Oregon Department of Fish & Wildlife).

Invited Speakers: **Jack Barth** (Oregon State University, College of Atmospheric and Oceanic Sciences); **Mark Hixon** (Oregon State University, Zoology Department); **David Sampson** (Oregon Department of Fish & Wildlife, Oregon State University).

Staff: **Christopher Holmes, Susan Holmes** (Oregon State University, College of Oceanic and Atmospheric Sciences, National Marine Sanctuary Working Group contractors); **Greg McMurray** (Department of Land Conservation & Development); **Steve Shipsey** (Department of Justice, OPAC Counsel); **Jane Barth** (National Marine Sanctuary Working Group facilitator).

Observers (with affiliation if provided): **Peter Stauffer** (Surfrider Foundation); **Peg Reagan** (Conservation Leaders Network); **Amy Windrope** (PISCO, Oregon State University); **State Representative Wayne Krieger** (Coos Bay); **John Griffith** (Coos County Commissioner); **Gwenn Kubeck** (Oregon State University, College of Oceanic and Atmospheric Sciences); **Carolyn Waldron** (Oregon Ocean); **Steve Bodnar** (Coos Bay Trawlers Association); **Richard Heap, Jim Welter** (Oregon South Coast Fishermen); **Ralph Dairy, Scott Jones, Chris Aillo, Pete McHenry, Mike Griffith** (fishermen); **Bridgette Lohrman** (NOAA Fisheries); **Bob Crouch** (Klamath Fishery

Management Zone Coalition); **Lucie LaBonte** (Curry County Commissioner); **Michelle Jeffers, Craig Good** (Oregon Department of Fish & Wildlife); **Jim Waldvogel** (Sea Grant Extension); **Bill Goergan** (F/V *Karen*); **Leesa Cobb, Valerie Mechim** (Port Orford Ocean Resources Team); **Dave Scott** (Port of Brookings Harbor); **John Rose, Loren Goddard** (Depoe Bay Near Shore Action Team); and **Mary Turnock** (Lake Oswego).

Total recorded attendance: 63.

Meeting Minutes:

Morning Session

The meeting was brought to order by Chair Scott McMullen at 9:08 a.m. Commissioner Lucie LaBonte welcomed the council to Curry County.

Introductions:

The OPAC members introduced themselves and stated their affiliations.

Review and Approval of Summary of June 23, 2006, OPAC Meeting (Scott McMullen):

The council approved the last meeting's summary, with the addition of a notation to memorialize the existence of an unfilled seat for the South Coast County Commissioners, as moved by David Allen. David also asked that the council member roster that is posted on the OPAC web site reflect the existence of the unfilled seat. The council accepted the motion and the revised summary by consensus.

Science Advice to OPAC: STAC Membership Nominations (Jay Rasmussen):

Jay announced that that the appointment for Marine Ecologist is **Selina Heppell** (Oregon State University) and for Experiential Knowledge of Fisheries is **Ralph Brown** (Brookings), hence completing the filling of the allocated seats on the STAC. Jay intends to convene the group in a retreat setting in early October. He also informed the group about a new, two-year Sea Grant effort to assess the marine research needs of the California-Oregon-Washington region.

Update from the Governor's Office on OPAC-Related Issues (Jessica Hamilton):

Jessica reported that the Governor's Office has continued to work with the South Coast County Commissioners to fill the South Coast seat, and is presently reconsidering the nomination of Coos County Commissioner John Griffith. Second, she reinforced the Governor's interest in bringing Oregon's seafloor mapping needs to the attention of federal decision-makers. Robin Hartmann has drafted letters to the delegation and federal agencies for this purpose on behalf of OPAC. Third, Jessica reported that the Governor's Office is communicating with California and Washington regarding ways the three states can collaborate regionally on ocean management topics.

Expectations of OPAC Topical Working Groups (Scott McMullen):

Scott spoke to the intent of the Executive Committee in its expectations of the Working Groups. Greg McMurray reviewed general focus of the three groups, and suggested that when work plans with budgets were available, it would be appropriate to shop for

activity-specific funding. There was a brief discussion of planning and timing for the state and federal budget processes. Scott clarified that the responsibility to select working group members was indeed delegated to the working group chairs. Finally, Steve Shipsey clarified the needs for public noticing and suggested that it would likely be most appropriate for the working groups to provide alternatives with pros and cons to the council, as opposed to actual policy recommendations. Greg will receive all subgroup meeting notices and post them on the web site as well as circulate them to the full membership via email.

Update on the Activities of the Marine Protected Areas Federal Advisory Committee (MPA FAC) (Mark Hixon):

Mark provided a [PowerPoint presentation](#) on the activities and progress of the MPA Federal Advisory Committee. This committee has released its [initial report](#) detailing its advice to NOAA, and is continuing to go to the next level of detail in a second round. The recommendations of the committee cover a wide range, including the purpose of a national network of marine protected areas, benefits, goals and objectives, guiding principles, and definitions, and also addresses mechanisms for stewardship and management effectiveness, and processes for assessment and the inclusion of new areas. The MPA FAC will next meet in Newport on October 10-12, 2006, and there will be opportunities for information exchange and personal contact with this council, which will also meet in Newport, on October 9-10, 2006. Mark also suggested that OPAC members could keep up-to-date on the activities of the MPA Federal Advisory Committee at the www.mpa.gov web page.

Scientific Update on Oregon's Recurrent Hypoxic Zone (Jack Barth):

Jack update the council on the latest monitoring and research activities related to this year's extensive hypoxic event on the continental shelf. His [PowerPoint presentation](#) included the historical context and some interpretation of the evolution of the latest event. The events are apparently driven by a combination of winds and currents that bring water with very low concentrations of dissolved oxygen onto the shelf, where they are further de-oxygenated by sinking materials earlier produced by Oregon's upwelling system. It also appears that this year the late spring and early summer were characterized by longer and stronger upwelling events than usual, which exacerbated the already low oxygen conditions seen since 2002. Jack then showed remote vehicle video footage revealing the lack of any live animals, and many dead ones, under these hypoxic conditions.

Rockfish Science: Video Documentation of Canary Rockfish (Dave Sampson):

Dave updated the council on the most recent efforts to develop a nonlethal but accurate methodology for assessing bottom-dwelling (demersal) fish stocks. He described the sampling gear, which is a bottom trawl that uses an excluder similar to the turtle excluders employed by some of the Gulf of Mexico shrimp fisheries. He showed extensive video footage taken by a camera mounted on the net with lights that showed various species of rockfish and other groups, including large numbers of canary rockfish in locations not trawled for some years, escaping unharmed.

Public Comment:

John Rose, Loren Goddard (Depoe Bay NearShore Action Team): John and Loren showed a video, produced by the Nearshore Action Team, that demonstrated Depoe Bay's history and stake in the ocean, and the population's willingness and ability to participate in the policy and management decisions that will affect it.

Steve Bodnar (Coos Bay Trawlers Association): Steve put marine protected areas issues in the context of the trawl fisheries, suggesting that there may be more appropriate tools for specific management needs, and reported on the Association's approach to value added in the whiting fishery.

Jim Welter (Oregon South Coast Fishermen): Jim is pleased that better stock assessments can be made, and expressed his concerns about how the scientific endeavor is approached.

Bob Crouch (Klamath Fishery Management Zone Coalition): Bob voiced his concerns about the way that fisheries management priorities are developed, using the Klamath salmon difficulties as an example.

Lucie LaBonte (Curry County): Lucie outlined the recent history of marine affairs in Curry County, and then spoke to her concerns about the economics of marine protected areas in areas where the local economy is tightly linked to fisheries.

Chris Aillo (commercial fisherman): Chris, who has fished commercially since 1979, talked about the magnitude of funds that will be required in the long term to manage the ocean's resources, and the many common-sense opportunities that are available to make a difference.

Pete McHenry (commercial fisherman): Pete, a former OPAC member, is pleased to see the improved fish sampling methodologies being developed, but pointed out the limitations of not being able to sex, weigh, and age the fish; he also expressed his concerns about the proliferation of marine reserves in California, and the politics of designating marine protected areas.

John Griffith (Coos County): John described the position of the South County Commissioners regarding gubernatorial appointments, and stated that his nomination had again been submitted for the South Coast County Commissioner seat.

Leesa Cobb [Port Orford Ocean Resources Team (POORT)]: Leesa spoke on behalf of POORT that efforts towards place-based fisheries management, focused on halibut, are continuing in Port Orford.

Luncheon Address

Patty Burke (Oregon Department of Fish & Wildlife, OPAC council member):

Patty utilized a [PowerPoint presentation](#) to give the council a comprehensive review of the biology and stock status of the nearshore rockfish complex of 43 species, which includes rockfish, the greenling group, sharks and rays, and flatfish. Of these species, only 6 have been assessed for stock status. The commercial live-fish fishery has had a considerable impact on the coastal economy, especially in terms of *ex vessel* per weight values. Both sport and commercial groundfish harvest are regulated by harvest caps and/or trip limits. Precautionary management is applied to species that have not been assessed to date. Rockfish are known to live to considerable age (over 200 years in the case of the rougheye), so stock rebuilding for the two depleted nearshore groundfish

species (yelloweye and canary rockfish) is expected to take decades, and these will continue to limit access to other healthy stocks that co-occur or school with them.

ODFW's many research efforts are beginning to elucidate hitherto unknown aspects of rockfish life history, such as the fidelity of adults to their "home ranges". Rockfish tagging and other tools may result in better information for stock assessments. There remain many unknowns, and most of the stocks in the nearshore groundfish complex have not been assessed. Patty also described some federal management measures that resulted from ODFW gear research which resulted in new gear designed to decrease bycatch in the nearshore trawl (groundfish and shrimp) fisheries, and to assess the success of treating hyperbaric shock on rockfish (with air bladders) caught in the nearshore sport and commercial fisheries. It appears that at least some of the fish released are surviving this shock in the short term. Continued research on nearshore groundfish species is minimally funded compared with other fisheries such as coastal salmon. Patty suggested that OPAC consider targeting the objectives of research reserves to areas and issues that are not already addressed by current management measures or off-shore protection measures for certain life stages of nearshore groundfish.

Afternoon Session

Marine Sanctuary Outreach Process (Jim Good):

Jim briefly summarized the progress of the working group on its work plan and then described the results of the prior evening's dry run for the National Marine Sanctuary public workshops. The group has planned a public process with a timeline and has begun to draft a design for OPAC's report to the Governor. Jane Barth, the working group's facilitator, then addressed the response of OPAC members to the draft public workshop questions of the previous evening, and led a dialog on the status of the effort, the willingness of OPAC members to support the outreach process as it stands, and needed changes in the approach.

One major variable in OPAC's debate over the public process is how much information to try to impart to the public participants with the presentations, so that their reactions to the Governor's proposal will be well-informed. Most councilors wanted more information in the presentation, and are especially concerned about the lack of availability of "hard" information and analysis from the sanctuaries around the nation. Another major variable is the extent to which negative information and public feedback (including that from some OPAC councilors themselves) about the National Marine Sanctuary system is presented to the public to try to "balance" positive information provided by the NMS program's bureaucracy. Several councilors spoke to the need for the presentation to include information from sources other than the NMS program itself. Lastly, the syntax of the questions to be posed of the participants might follow several commonly employed outreach models, though the content is intended to directly address the issues and questions raised in the Governor's letter to the council. Some Councilors felt the outreach questions were not questions that the public would be able to answer, even with more information in the outreach presentations.

Given an opportunity for each member to weigh in on the outreach process, the council was of a clear accord that more work must be done before approaching the public. Though many members expressed a desire to move forward with little delay, all agreed that a premature attempt to address the public would be a major mistake. It was agreed by consensus that the working group should revamp the workshop plans, and the timeline for the report to the Governor, and delay the public process until after the October OPAC meeting. The NMS working group will reconsider all aspects of the public process in light of the comments of the council, and will meet two or three more times prior to the October 9-10 meeting in order to meet its charge. The first public workshop will be a test survey, after which the working group will again meet to adaptively manage the process in reaction to those results.

Update on Marine Reserves Planning (Frank Warrens):

Frank reported on the Marine Reserves Working Group meeting conducted at breakfast that morning. He is soliciting the members' and public's thoughts on the purpose and goals of the process as the group begins to develop a work plan. Frank is happy to have the opportunity to pursue marine reserves in a way that reflects the values of Oregonians.

Update on Wave Energy Working Group (Robin Hartmann):

Robin reported on the last meeting of the Wave Energy Working group. Two projects are now being planned: a pre-commercial development by Ocean Power Technologies (OPT) offshore Gardiner (near Reedsport), and a research project by Oregon State University offshore Newport. OPT has applied for a Preliminary Permit at the Gardiner site from the Federal Energy Regulatory Commission (FERC), and Lincoln County has applied for a Preliminary Permit for the Territorial Sea offshore all of the county. Terry Thompson explained that Lincoln County filed the application with FERC because it wants to play an appropriate role in local planning.

The working group will develop a work plan that considers the appropriate role of OPAC in the public forum and as an advisory body to any wave energy process that is set up in the Governor's Office. Jessica circulated a memo from the Governor's Office requesting OPAC's participation in a statewide stakeholder process that is being initiated. Robin also reported on efforts to begin to plan a workshop addressing the social, economic and environmental effects of possible wave energy development offshore Oregon. She anticipates that a draft work plan and timeline will be available by the time of the October OPAC meeting. Last, Louise announced that the Department of State Lands intends to ask the Land Board for permission to go to rule-making for wave energy leasing in the Territorial Sea.

Review of Travel Reimbursement Procedures (Greg McMurray):

Greg gave a very brief review of travel reimbursement procedures for the council. Reimbursement requests need to be turned around within two months of the activity. Members can contact Greg with questions or materials.

Date, Location and Agenda Items for Next OPAC Meeting (Scott McMullen):

The next OPAC meeting will take place in Newport on October 9-10, 2006, in conjunction with the Marine Protected Areas Federal Advisory Committee meeting.

New Issues Raised by OPAC Members:

No new issues were raised by members at this OPAC meeting.

Public Comment:

Peg Reagan (Conservation Leaders Network): Peg supports the decision to delay the NMS public process and though she doesn't agree with all statement, she appreciates that the council sounds more engaged in its deliberations.

Jim Welter (Oregon South Coast Fishermen): Jim thinks that the council isn't sure what it actually needs to do; it just meets and collects information.

Richard Heap (Oregon South Coast Fishermen): Richard doesn't see sanctuaries as a solution to anything, but suggested that OPAC advise the Governor on other ways to address conservation goals.

Bob Crouch (Klamath Fishery Management Zone Coalition): Bob returned to tell the council that he doesn't think that the marine sanctuaries' staffs are listening to the public, and public trust is an important issue.

Ralph Brown (Curry County): Commissioner Brown thinks that preservation of natural ecosystems isn't a priority; rather that OPAC should develop a process to address all ocean management needs, especially drawing off the ocean commission reports' recommendations for regional management, and address the new ocean uses that will be requiring dedicated spaces.

Meeting adjourned by Chair Scott McMullen at 4:40 p.m.